

**Industrial relations in workplaces
employing Indigenous Australians**

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Foreword

The Australian Workplace Industrial Relations Survey (AWIRS) 1995 offers the first opportunity to systematically analyse the working conditions of Indigenous Australians. This paper uses this information to characterise working conditions in workplaces which employ Indigenous Australians. While the data used is somewhat dated, the situation facing Indigenous Australians has probably not changed much. Given Indigenous labour market disadvantage is slow to change over time, the working conditions facing the average Indigenous employee are also likely to be reasonably stable.

This paper should be read in conjunction with a forthcoming CAEPR Discussion Paper, 'A comparative analysis of the industrial relations experiences of Indigenous and other Australian workers' (Hunter and Hawke 2000). This paper builds on the analysis of workplaces with Indigenous Australians by explicitly examining how Indigenous working conditions differ from those experienced by other workers in the same workplaces and, indeed, other workplaces.

Combined, these two papers begin to tease out the interactions between Indigenous workers and the evolving industrial relations system. It is only with the careful consideration of available evidence that this will be achieved. The AWIRS data provide a unique opportunity to push the debate beyond the *a priori* analysis that dominates extant research and, inevitably, can be reduced to ideological statements about what might occur. This paper brings together two protagonists in a recent *Journal of Industrial Relations* debate in order to establish some consensus about the working conditions facing many Indigenous people and explore the policy implications of this reality in a dispassionate manner.

There is considerable conjecture about discrimination against Indigenous Australians in the workplace. I commend this research as an exploratory attempt to use available data to rigorously and systematically assess this hypothesis.

Professor Jon Altman
May 2000

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Summary

The enactment of the *Workplace Relations Act 1996* by the Howard Government represented an acceleration in the pace of industrial relations reform. Amid these significant and widespread legislative developments, little attention was paid to the plight of groups traditionally disadvantaged in the labour market—including Indigenous people. The Australian Workplace Industrial Relations Survey (AWIRS) 1995 is the first publicly released data set that permits analysts to directly examine the industrial relations environment in firms that employ Indigenous Australians. Information from the AWIRS employee survey and AWIRS Employee Relations Managers survey are used in the analysis.

Data and method

The AWIRS interviewers successfully collected data from 2,001 workplaces (with 20 or more employees) covering all major Australia and New Zealand Standard Industry Classification divisions except division A (agriculture, forestry and fishing) and sub-division 82 (defence). While AWIRS was conducted across all States and Territories for both metropolitan and non-metropolitan areas, no workplaces in remote Australia were surveyed. Given that a substantial proportion of the Indigenous workforce live outside urban areas, AWIRS is not representative of all Indigenous workers. However, since Indigenous employment in such areas is predominantly in the ‘work-for-dole’ Community Development Employment Projects (CDEP) scheme, the following analysis could be considered indicative of existing workplaces that employ Indigenous workers. Using all available information from AWIRS 1995, there are 1,066 workplaces that did not employ any Indigenous people and 725 workplaces that employed some Indigenous people.

Characterising workplaces with Indigenous employees

Workplaces with Indigenous employees differ from other workplaces in that they are more likely to:

- operate 24 hours a day;
- have experienced industrial action in the last year;
- employ young workers, people with a short tenure in current workplace, Non-English Speaking Background (NESB) workers and disabled workers;
- indicate that Occupational Health and Safety (OHS) and Equal Employment Opportunity (EEO) issues more prominent in the workplace culture;
- have a written policy on racial harassment and a formal grievance procedure to resolve disputes that arise on either racial or sexual harassment grounds;
- have managers trained in EEO, affirmative action and anti-sexual harassment procedures;
- try new management practices such as team building, staff appraisals and evaluation schemes;

- have employees working shift or on-call work. Consequently, they are also more likely to get paid overtime; and
- have a similar incidence of the use of casuals. The use of contractors is more pronounced in workplaces with Indigenous employees which are 9.5 percentage points more likely to have used contractors.

Workplaces with Indigenous employees are substantially more likely to be in both the public, non-commercial and the public, commercial sectors. That is, in addition to being more involved in the public sector and government business enterprises, Indigenous workers are probably more likely to be employed in charities, churches and non-governmental welfare bodies than other workers. Therefore, given that workplaces with Indigenous employees are 20 percentage points less likely to be commercial private organisations than other workplaces, differences in the industrial relations cultures of the respective sectors may be reflected in the distinct character of workplaces in which Indigenous people work. The sensitivity analysis of workplace characteristics by sector and workplace size showed that the above results were robust.

Workplace bargaining, conflict resolution, award coverage, remuneration and recruitment

Workplaces with Indigenous employees seem to have been successful in securing a written workplace agreement. The composition of coverage of these written agreements is consistent with a relatively flexible working environment with agreements in such workplaces being more likely to cover grievance procedures, OHS, leave arrangements and provisions for training. Other workplaces are more likely to have workplace agreements covering superannuation and pay rates.

Workplaces with Indigenous employees are more than twice as likely to have had to use a grievance procedure for discrimination (including either racial or sexual harassment) and are substantially more likely to have used the procedure for OHS disputes. These workplaces are also more likely to have a written policy on EEO/affirmative action than other places of work. While almost all such policies cover recruitment and promotion, such workplaces are also more likely to cover training, workforce composition and employment targets than other workplaces.

The coverage of federal awards for workplaces with Indigenous employees is substantially lower, for all occupations, than for other workplaces. For industrial relations reforms to affect the majority of Indigenous workers it will need to address both the State and federal systems.

The breakdown of pay and conditions for the various occupations reflects the lesser use of individual contracts in workplaces with Indigenous employees. It appears that wage rates in these workplaces are much more likely to be based on the standards set in the award with less emphasis on increments to salaries and conditions through either over-award rates or contracts.

External advertisements are the major recruitment method for all occupations but are more likely to be used in workplaces with Indigenous

employees than other workplaces. There appears to be little difference in the use of internal advertisements between workplaces. Indeed, if anything, workplaces with Indigenous employees are more likely to use internal advertisements, especially for non-managerial and non-professional occupations.

Discussion

Workplaces with Indigenous employees are qualitatively different from other workplaces because such workplaces use industrial relations practices consistent with encouraging greater cultural diversity within the firm. Whether this results from proactive measures on the part of management, or whether they result as a strategic initiative to solve existing problems is not clear.

One of the more disturbing findings of this paper is that many workplaces with Indigenous employees appear to have chosen the so-called 'low-wage' strategy for cost minimisation. While the wage differentials between workplaces are relatively minor, the differences in capacity utilisation, overtime usage, the concentration of disadvantaged workers and even the pattern of award coverage point to a 'low-wage' strategy being followed in such workplaces. The findings that workplaces with Indigenous employees are more likely to pay award wages indicates the importance to Indigenous people of ensuring award minimums remain current, and that enterprise bargains do not become the sole means of altering wages and conditions. An alternative policy option is to increase skill levels of the Indigenous workforce to facilitate competition for higher wage jobs.

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Introduction

The last decade has been a period of significant change in Australian industrial relations. The changes in the structures and processes which underpin industrial relations arrangements in Australia are reflected in: the emergence and spread of enterprise-level bargaining; the increased scope for individual agreements; a marked decline in union membership; a restructuring and rationalisation of union structures; and sustained fall in the level of industrial disputation (Hawke and Wooden 1998). At the same time, pressure for industrial relations reform grew with the apparent need for a legislative response to the pressures of globalisation and the widespread perception of poor productivity growth in Australia.

Perhaps the most prominent of the responses to these pressures was the movement away from centrally determined awards towards workplace-based agreements. The process of award restructuring introduced in August 1988, involved unions committing to review awards in exchange for wage increases.¹ Wage increases, however, remained centrally determined. Indeed most industrial relations matters remained within the bailiwick of the Australian Industrial Relations Commission (AIRC).² It was not until October 1991, however, that the AIRC introduced enterprise bargaining as a formal mechanism for the determination of wages and conditions. In part, this change was also reflected in various State jurisdictions.

The enactment of the *Workplace Relations Act 1996* by the Howard Government represented an acceleration in the pace of industrial relations reform. One of the main objectives of this Act was to improve economic performance by increasing opportunities for workplace flexibility. Achieving this flexibility was to be achieved through the adoption of enterprise bargaining arrangements on a workplace-by-workplace basis. Despite this, the AIRC retained the right to oversee agreements to ensure no disadvantage to employees resulted.

An additional measure aimed at facilitating the adoption of formal enterprise agreements by workplaces was award simplification. The rationale for award simplification was that by removing overly prescriptive conditions, greater opportunities would exist for enterprise-based agreements. Again, the aim was to foster workplace flexibility.

Amid these significant and widespread legislative developments, little attention was paid to the plight of groups traditionally disadvantaged in the labour market—including Indigenous people.³ This is despite the widespread acknowledgment of the disadvantage Indigenous peoples face in Australia's industrial relations system (see McCorquodale 1985; Hunter 1997, 1998a; Hawke 1998).⁴

Despite their differences, each of these authors identified common concerns about the potential for harm of devolved bargaining arrangements on more vulnerable groups in our community – particularly Indigenous people. In part, these concerns stem not only from the structure of the legislation, but from the

failure of previous research to clearly articulate the potential for harm. Since there exists only a limited understanding of how Indigenous interests are reflected in either regulated or deregulated industrial relation systems it follows that, with respect to Indigenous people, legislative change has been made within a vacuum of knowledge.

This paper adds to existing research on the place of Indigenous people in Australia's industrial relations system. It achieves this aim by interrogating data from a representative sample of Australian workplaces on the industrial relations arrangements and practices operating in workplaces that employ Indigenous and non-Indigenous workers.

Previous studies have tended to focus on the characteristics of employees rather than the characteristics of workplaces employing these people. The Australian Workplace Industrial Relations Survey (AWIRS) data are the first publicly available that permit direct examination of the industrial relations practices of firms that employ Indigenous Australians. This survey also has the advantage of containing matched employee data. That is, information from workplaces can be matched with information on employees of these firms. Thus, the AWIRS has both the workplace and employee as a unit of analysis.

The paper is structured into a number of sections. Following this introduction, some general information on the 1995 AWIRS data is provided. The main body of the paper details a comprehensive analysis of the industrial relations characteristics of workplaces employing Indigenous people, as described by the Employee Relations Manager (ERM). The paper concludes with a brief summary of the findings and a discussion of the potential for further research using these data.

Data and method

In 1989/90, the then Commonwealth Department of Industrial Relations conducted the initial AWIRS. As noted by Hawke and Wooden (1998), the first AWIRS represented the largest workplace-based survey of Australia's industrial relations structures, processes and outcomes. The wide scope of AWIRS — in terms of both sample size and coverage of issues — was aimed at facilitating a comprehensive understanding of industrial relations arrangements and practices operating at Australian workplaces.

Described in more detail in Callus et al. (1991), the first AWIRS involved structured interviews with managers and union delegates at a sample of 2,004 large workplaces (20 or more employees) and at a sample of 349 small workplaces (five to 19 employees). In addition, all participants in the large workplace sample were asked to complete a self-administered questionnaire seeking data on employment, wages, labour turnover and other similar workplace-based characteristics.

The samples were drawn from the Australian Bureau of Statistics' (ABS) Business Register, with selections stratified by both industry and size. The intention was to obtain a sample that would be representative of the total

population of Australian workplaces with five or more employees. The only exceptions to this were workplaces classified to the agriculture, forestry and fishing and defence industries, which were excluded from the scope of the survey.

The survey was repeated in the latter half of 1995 (see Morehead et al. 1997). As in 1989/90, surveys were again conducted with separate samples of large and small workplaces across a range of industries, but with a much larger target size for the small workplace sample. AWIRS 1995, however, was more than just a simple replication of the cross-sectional study conducted in 1989/90. Instead, the opportunity was taken to conduct a self-administered questionnaire to small samples of employees at each of the workplaces within the main sample of large workplaces. Although the application of the survey instrument differed between the workplace and employee, it was still possible to combine information from each of these sources. It is this matched-data which is extensively utilised in this paper.

As noted in Morehead et al. (1997), 120 interviewers from across Australia conducted face-to-face interviews at 2,704 workplaces. Each interviewer was trained at one of nine three-day courses. Each interviewer was required to contact the most senior manager at a workplace selected from the ABS Business Register. They then arranged appointment times, conducted interviews, selected employees if an employee survey was to be conducted, returned to the workplace to collect the surveys and ensured the questionnaire about workplace characteristics was completed.

The AWIRS interviewers successfully collected data from 2,001 workplaces (with 20 or more employees) covering all major Australian and New Zealand Standard Industry Classification (ANZSIC) divisions except Division A (agriculture, forestry and fishing) and Sub-division 82 (defence). While AWIRS was conducted across all States and Territories for both metropolitan and non-metropolitan areas, no workplaces in remote Australia were surveyed. Rural areas are effectively excluded by the decision to leave the agriculture, forestry and fishing industry out of the sample. Given that a substantial proportion of the Indigenous workforce live outside of urban areas, AWIRS is not representative of all Indigenous workers. However, since Indigenous employment in such areas is predominantly in the 'work-for-the-dole' Community Development Employment Projects (CDEP) scheme, the following analysis could be considered indicative of existing workplaces that employ Indigenous workers.⁵

The data used in this paper were derived from responses of both managers and individuals. Workplaces with Indigenous employees are defined as those where there are any Indigenous workers identified by management or where respondents to the employee survey indicated that they were Indigenous. Therefore the basic dichotomy is between workplaces that employ at least one Indigenous person and those that employ only non-Indigenous people. Using all available information from AWIRS 1995, there are 1,066 workplaces that did not employ any Indigenous people and 725 workplaces that employed some Indigenous people.⁶

As noted earlier, the aim of this paper is to focus on differences in the industrial relations characteristics of workplaces employing Indigenous and non-Indigenous persons. As such, this paper is intended to be a first step in the process of identifying particular weaknesses and potential opportunities associated with Indigenous employment. The main issues from the AWIRS 1995 questionnaires examined in this paper include: workplace characteristics, management practices, workplace agreements, grievance procedures, Occupational Health and Safety (OHS), Equal Employment Opportunity (EEO), award coverage, recruitment methods and attitudes to unions, as well as the industrial relations experience of individual workers.

To undertake this task, data from both the workplace-based and employee-based surveys of AWIRS 1995 (hereafter, just AWIRS) are used. However, it should be noted that there is some discrepancy between responses to the ERM and employee surveys. The columns in the following tables labelled 'No Indigenous workers' and 'Any Indigenous workers' (in workplace) are based on both surveys because there were 101 workplaces where workers identified themselves as Indigenous in the employee survey but the ERM indicated that there were no Indigenous workers in the workplace. While the results are not sensitive to the discrepancy in responses, Appendix A includes further discussion of the potential biases involved.

Characterising workplaces with Indigenous employees

Table 1 describes the overall characteristics of AWIRS workplaces that employ Indigenous employees. Of the 1,066 workplaces with no Indigenous employees, 14.4 per cent of these workplaces operated 24 hours a day. In contrast, 22.3 per cent of the 725 workplaces with at least one Indigenous employee operated 24 hours a day. The overall proportion of AWIRS workplaces which operate 24 hours a day is provided in the final column (17.8 per cent). Therefore, workplaces with Indigenous employees have higher rates of capacity utilisation than other workplaces.

The bargaining position of employers in enterprise bargains, relative to workers, is influenced by whether they are members of an employer association. Workplaces with any Indigenous workers are slightly less likely to be members of employer associations than other workplaces, although the difference is not statistically significant. In contrast, workplaces with Indigenous employees are almost 12 percentage points more likely to have experienced industrial action in the last year than other workplaces.

Table 1 illustrates that workplaces with Indigenous employees are 10.1 percentage points more likely to employ young workers than other workplaces. In part, this may be due to the demographic profile of the Indigenous community. That is, compared to other Australians, Indigenous people are over-represented in younger age categories. It follows that workplaces employing Indigenous people are therefore also more likely to be employing younger workers.

Workplaces with Indigenous employees are also more likely to employ people with a short tenure in the current workplace, Non-English Speaking Background (NESB) workers and disabled workers. However, unlike age, the reasons for this association are more complex. On one hand, Indigenous people as a group are more likely to have had short tenures in current job. In contrast, however, persons with these characteristics, whether Indigenous or non-Indigenous, are also more likely to be concentrated in particular occupations. It is therefore likely that the over-representation of Indigenous people in workplaces employing above average numbers of NESB and disabled workers is due to both labour supply and labour demand factors.

OHS and EEO characteristics of these workplaces indicate that such issues are relatively more prominent in the culture of workplaces with Indigenous employees. Such workplaces are more than 15 percentage points more likely to have elected OHS representatives compared to other workplaces. While these workplaces are also 20 percentage points more likely to have an OHS committee, there is some variation in the incidence of OHS committees among workplaces with Indigenous employees.

Similarly, workplaces with Indigenous employees are much more likely to have a written policy on racial harassment and a formal grievance procedure to resolve disputes that arise on either racial or sexual harassment grounds. Cross-sectional analyses of this kind, however, are unable to determine the direction of causation. That is, it is not possible to determine whether the Indigenous employees are attracted to workplaces with pre-existing policies on racial discrimination, or whether their presence at the workplace stimulates the need to develop such policies. The issue of causation also applied to the over-representation of Indigenous people in workplaces with access to family or carers leave.

The relatively 'progressive' nature of workplaces with Indigenous employees is reflected in management practices. Such workplaces are more likely to have managers trained in EEO, affirmative action and anti-sexual harassment procedures. These workplaces are also more likely to try new management practices such as team building, staff appraisals and evaluation schemes. Workplaces with Indigenous employees are more likely to have some training schemes in place.

Table 2 provides more information on workplace characteristics. Workplaces with Indigenous employees are about 15 percentage points more likely to have had employees working shift or on-call work than other workplaces (79.4 per cent compared to 64.7 per cent). These workplaces are also 8.5 per cent more likely to get paid overtime. These observations are consistent with the patterns of capacity utilisation indicated above by the long hours of operation.

Table 1. Workplace characteristics by proportion of Indigenous employees in workplace (per cent), 1995

	Whether Indigenous employees in workplace		Total
	No Indigenous	Some Indigenous	
Workplace/workforce characteristics			
Operates 24 hours a day*	14.4	22.3	17.8
Member of employer association	64.1	61.0	63.2
Industrial action in last year*	23.8	35.6	28.5
Young employees (below 21 years old) in workplace*	74.6	84.7	78.7
NESB employees in workplace*	77.3	87.5	81.7
English language training provided*	13.4	23.9	18.0
Disabled employees in workplace*	38.5	69.0	51.0
Employees worked more than 5 years in workplace	94.4	95.0	94.6
OHS/EEO			
Any elected OHS representatives at workplace*	66.7	82.3	72.2
OHS committee*	45.5	65.9	53.2
Written policy on racial harassment*	39.8	52.1	44.3
Formal grievance procedure on sex/racial harassment*	61.5	77.1	66.9
Carers/family leave*	41.4	54.2	46.2
Management practices			
Managers trained in EEO*	43.2	61.4	50.7
Managers trained in affirmative action*	37.6	48.3	41.8
Managers trained in dealing with sexual harassment*	52.5	64.5	56.5
Management negotiated with employee group last year*	31.7	36.9	33.4
Team building in place*	48.4	54.2	50.5
Staff appraisal/evaluation scheme in place*	61.8	69.0	64.6
Bonus scheme in place	37.7	34.2	36.6
Training scheme in place*	62.3	69.8	65.0
Share ownership for employees*	19.0	14.9	17.6
Total (number of workplaces)	1,066	725	1,981

Notes: The proportion of Indigenous workers in a workplace, defined solely on the response of the ERM, forms the basis of the second and third columns. The columns, 'no Indigenous' and 'some Indigenous', are defined using both the ERM and the employee surveys (Appendix A). An asterisk denotes there is a significant difference between workplaces with Indigenous employees and other workplaces at the 5 per cent level (see Morehead et al. 1997: 371).

Source: Unpublished cross-tabulations of AWIRS 1995 data.

The standard economic argument for premium wage rates arises from partially fixed labour costs (known as quasi-fixed costs) which are borne by the firm on a per-worker basis and are therefore largely independent of the hours each employee works (Ehrenberg and Smith 1996). One of the classic examples of such costs is that which arises from firm specific training. The employer will

minimise costs, according to this argument, by encouraging their employees to work overtime at legally required premium wage rates rather than increasing the level of employment at the workplace. The fact that workplaces with Indigenous employees are 11 percentage points more likely to have formal training than other workplaces is consistent with the assertion that there are higher levels of quasi-fixed costs in workplaces with Indigenous employees. Another reason to suspect higher training costs in these workplaces is that, as Table 1 shows, they are more likely to have NESB workers and provide some English language training.

Table 2. Other workforce characteristics (per cent), 1995

	Workplaces without Indigenous employees	Workplaces with Indigenous employees	Total
Any employees do shift or on-call work*	64.7	79.4	70.5
Paid overtime worked in last month*	77.1	85.6	80.5
Formal training for employees in last year*	71.3	82.3	75.1
Workplace uses casuals	82.3	83.8	83.0
Workplace uses contractors*	70.4	79.9	74.4

Notes: See Table 1 for number of observations in each category. An asterisk denotes there is a significant difference between workplaces with Indigenous employees and other workplaces at the 5 per cent level (see Morehead et al. 1997: 371).

Source: Unpublished cross-tabulations of AWIRS 1995 data.

One feature of workplaces with Indigenous employees is that they have a similar incidence of the use of casuals as that of other workplaces. The use of contractors is more pronounced in workplaces with Indigenous employees, which are 9.5 percentage points more likely to have used contractors.

Sector of employment

Workplaces that employ Indigenous employees appear to be different from other workplaces. However it is possible that these differences are spurious because they are generated by other differences between workplaces. For example, the industrial relations environment in the private sector is fundamentally different from the public sector (Morehead et al. 1997).

In addition to providing data on whether a workplace is in either the private and public sector, AWIRS data provides information on whether an organisation is commercial. Private sector organisations include private companies, companies listed on the stock exchange, partnerships, trusts and franchises. Commercial workplaces are defined as those which undertake some activities for the purposes of making a profit. It does not include workplaces which, in the course of providing a public service, may happen to make a surplus (for example, local councils, public trustees). Therefore, non-profit organisations such as charities, churches and welfare bodies would be considered non-commercial organisations in the private sector.

Workplaces with Indigenous employees are substantially more likely to be in both the public, non-commercial (31 and 16 per cent respectively for workplaces with and without Indigenous employees) and the public, commercial (13 and 8 per cent respectively) sectors. Therefore, given that workplaces with Indigenous employees are 20 percentage points less likely to be commercial private organisations than other workplaces, differences in the industrial relations cultures of the respective sectors may be reflected in the distinct character of workplaces in which Indigenous people work. Therefore, in addition to being more involved in the public sector and government business enterprises, Indigenous workers are probably more likely to be employed in charities, churches and non-governmental welfare bodies than other workers. The previous analysis of Indigenous involvement in the private sector tends to ignore this fact because the non-commercial private sector was lumped in together with the rest of the private sector (Taylor and Hunter 1997).⁷

Table 3 illustrates there are substantial differences between the characteristics of commercial and non-commercial workplaces in both the public and private sectors. While the differences between sectors is sometimes larger than that between workplaces with or without Indigenous employees, the analysis of Tables 1 and 2 remains valid. For example, workplaces with Indigenous employees are more likely to operate 24 hours a day than other workplaces. This difference is particularly pronounced in the commercial, private sector where workplaces are 16.4 percentage points more likely to be operating all the time.

In general, the patterns of workplace characteristics are not affected by accounting for sector of employment. Workplaces with Indigenous employees are more likely to experience industrial action, provide training (both formal and English language training), emphasise OHS and EEO issues, use contractors, work paid overtime in last month, and work shift or on-call.

In the occasional circumstance where the patterns in Table 3 are not consistent with the previous tables, the difference between workplaces with and without Indigenous employees is not large. For example, workplaces with Indigenous employees in the commercial, public and non-commercial, private sectors were only 3 percentage points less likely to have a written policy on racial harassment than the analogous workplaces without Indigenous employees.

Given that the private, commercial sector is disciplined primarily by market pressures, it is particularly noteworthy that workplaces with Indigenous employees in this sector appear to have 'better' EEO/OHS practices than other workplaces in the sector. For example, 48.8 per cent of private, commercial firms with Indigenous employees had managers trained in EEO as compared to only 36.1 per cent of private commercial firms without Indigenous employees.

Table 3. Selected workplace characteristics by sector of employment (per cent), 1995

	Commercial		Non-commercial	
	Private	Public	Private	Public
Workplaces without Indigenous employees				
Operates 24 hours a day	10.4	9.3	24.2	28.9
Member of employer association	76.2	44.4	27.1	75.6
Industrial action in last year	18.4	31.5	44.4	19.3
English language training provided	13.6	33.3	26.5	15.9
Elected OHS representative at workplace	60.5	81.5	83	66.3
OHS committee	43.4	62.6	54.7	39.5
Written policy on racial harassment	30.7	69.8	67.7	29.3
Formal grievance procedure on racial/ sexual harassment	50.3	83.2	92.2	62.7
Carers/family leave	33.4	61.7	58.0	45.8
Written policy on EEO	60.5	93.5	94.7	62.2
Managers trained in EEO	36.1	58.3	67.6	48.2
Any employees do shift or on-call work	63.9	65.7	64.3	65.1
Paid overtime worked in last month	80.9	89.8	63.8	54.2
Formal training for employees provided in last year	66.6	80.6	79.2	77.1
Workplace uses casuals	86.2	67.6	73.3	89.2
Workplace uses contractors	70.6	73.1	71.7	68.7
Total (number of workplaces)	881	108	207	83
Workplaces with Indigenous employees				
Operates 24 hours a day	26.8	14.0	25.5	31.4
Member of employer association	81.0	38.7	31.4	70.6
Industrial action in last year	25.5	47.3	51.2	29.4
English language training provided	21.5	44.7	37.2	46.7
Elected OHS representative at workplace	75.1	95.7	91.0	86.3
OHS committee	62.3	69.6	74.4	61.2
Written policy on racial harassment	38.5	66.7	65.1	54.0
Formal grievance procedure on racial/ sexual harassment	63.2	88.2	94.8	84.3
Carers/family leave	45.7	64.5	68.4	58.8
Written policy on EEO	74.8	95.7	94.3	88.2
Managers trained in EEO	48.8	70.7	82.5	62.7
Any employees do shift or on-call work	85.2	82.8	75.9	82.4
Paid overtime worked in last month	88.9	92.5	82.9	74.5
Formal training for employees provided in last year	79.3	88.2	85.4	92.2
Workplace uses casuals	89.2	68.8	81.6	82.4
Workplace uses contractors	82.7	72.3	81.5	76.5
Total (number of workplaces)	325	93	212	51

Source: Unpublished cross-tabulations of AWIRS 1995 data.

Another workplace characteristic worth examining in more detail is whether a workplace is a member of an employer association. The differences in propensity to be a member of an employer organisation appear to be generated by differences between workplaces in the public sector. That is, given that membership is less likely to be important for public institutions, which have the backing of governments, and their respective Departments, in dealing with industrial relations, it is possible to discount the patterns observed in Tables 1 and 2. Indeed if the focus is contained to the private sector, then workplaces with Indigenous employees are 5 per cent more likely to be in employer associations than other workplaces. This is easier to reconcile with the patterns of industrial action identified above.

Workplace size

Another major factor behind differences in the local industrial relations culture and environment is workplace size (Morehead et al. 1997). Given that there is a substantial concentration of very large workplaces among workplaces with Indigenous employees (Table 4), it is possible that workplace size is generating the results in Tables 1 and 2.

Table 4 shows that, notwithstanding the large differences in the characteristics of workplaces of various sizes, there are still substantial differences between workplaces that employ Indigenous employees and those that do not. For example, while very large workplaces are about three times more likely to have experienced industrial action in the last year than the small to medium-size equivalents (with between 20 and 49 employees), workplaces that employ Indigenous employees are generally more likely to have had industrial action. However, there is little difference in the incidence of industrial action in medium size workplaces with between 100 and 499 employees.

The overall patterns of workplace characteristics are not affected by taking into account workplace size. Workplaces with Indigenous employees are also generally more likely to operate 24 hours a day, provide training (both formal and English language training), emphasise OHS and EEO issues, use contractors, work paid overtime in last month, and work shift or on-call. While the use of casuals is substantially higher in larger workplaces, there was no statistically significant difference in their use between workplaces with and without Indigenous employees for all categories of workplace size. This is again consistent with the preceding analysis.

Table 4. Workplace characteristics by workplace size (per cent), 1995

	Workplace size				
	20-49	50-99	100-199	200-499	500+
Workplaces without Indigenous employees					
Operates 24 hours a day	9.4	13.1	13.9	25.8	45.0
Member of employer association	59.5	68.8	64.4	79.8	87.5
Industrial action in last year	16.1	24.9	27.8	43.5	45.0
English language training provided	10.5	13.8	21.4	36.6	58.3
Elected OHS representative at workplace	52.7	71.0	80.2	88.7	85.0
OHS committee	28.0	48.9	70.0	76.2	86.8
Written policy on racial harassment	34.7	40.8	47.8	45.9	47.5
Formal grievance procedure on racial/sexual harassment	53.1	58.8	74.8	70.2	82.5
Carers/family leave	32.7	38.0	54.5	53.2	62.5
Written policy on EEO	55.3	68.0	90.0	91.9	95.0
Managers trained in EEO	35.1	44.1	56.0	57.3	65.0
Any employees do shift or on-call work	54.7	62.6	73.2	87.9	95.0
Paid overtime worked in last month	70.9	77.6	83.3	94.4	80.0
Any employees receive over-award pay	48.6	51.9	47.8	54.0	55.0
Formal training for employees provided in last year	61.1	71.6	80.4	90.3	87.5
Workplace uses casuals	78.6	82.2	92.3	85.4	90.0
Workplace uses contractors	62.7	70.6	78.9	89.4	92.5
Total (number of workplaces)	585	321	209	124	40
Workplaces with Indigenous employees					
Operates 24 hours a day	12.6	20.3	19.9	30.3	39.9
Member of employer association	50.4	60.0	58.3	65.5	59.9
Industrial action in last year	26.0	35.0	27.4	43.0	51.7
English language training provided	12.9	22.5	30.3	37.1	46.9
Elected OHS representative at workplace	68.5	82.1	80.8	89.4	95.8
OHS committee	37.0	52.5	69.0	82.9	88.7
Written policy on racial harassment	53.2	45.9	50.7	54.6	54.2
Formal grievance procedure on racial/sexual harassment	71.2	63.9	75.2	84.5	93.0
Carers/family leave	40.9	45.5	55.5	63.1	73.4
Written policy on EEO	69.6	74.0	85.5	93.0	98.6
Managers trained in EEO	53.2	49.6	62.3	73.8	74.8
Any employees do shift or on-call work	66.1	79.7	74.7	88.0	98.6
Paid overtime worked in last month	70.9	81.1	87.7	93.0	97.2
Any employees receive over-award pay	26.8	47.2	43.2	42.3	42.0
Formal training for employees provided in last year	61.4	79.5	86.3	90.1	96.5
Workplace uses casuals	76.2	79.7	84.9	85.2	90.2
Workplace uses contractors	70.6	81.3	76.0	85.2	90.8
Total (number of workplaces)	127	123	146	142	143

Source: Unpublished cross-tabulations of AWIRS 1995 data.

Notwithstanding the overall consistency of Table 4 with the previous tables, there is some variation in the differentials between workplaces with and without Indigenous employees. The differentials in Table 4 that contradict the previous tables are concentrated in very large workplaces with over 500 employees. However, given that there are only 40 very large workplaces without Indigenous employees, these contradictions can be discounted as the product of the small number of workplaces in this category. For example, the standard errors for the estimates in workplaces with more than 500 employees are about 10 percentage points (see Morehead et al. 1997: 371).

Industry and occupation

Differences in the industry of employment provide another explanation of the distinct nature of workplaces with Indigenous employees. Indigenous employment is markedly segregated by industry from non-Indigenous employment (Taylor 1993). However, there is remarkably little difference in industry structure in workplaces either with or without Indigenous employees. For example, the proportion of workplaces in manufacturing was 18.1 and 20.0 per cent respectively. The major difference between the industry structure of the two types of workplaces is seen in the Government and Administration industry where workplaces with Indigenous employees are almost three times more likely than other workplaces to be in this sector (12.0 as opposed to 4.3 per cent). Given that the public sector was dealt with in the previous section this is unlikely to drive the observed differences between workplaces. Note that the industry characteristics in AWIRS employee survey generally reflect the industry distribution of workplaces reported in this paper (see Hunter and Hawke 2000).

Differences in the distribution of occupations are also unlikely to feature in any explanation of differences between workplaces if employers engage a range of occupations. Notwithstanding this, information on occupation can be used to glean, albeit indirectly, how different workers are treated within the same establishment. Given that Indigenous workers are heavily concentrated in manual occupations (Taylor 1994), differences in the treatment of various occupations have implications for the Indigenous workforce. This theme will be developed in the following sections.

In summary, it would appear the analysis of Tables 1 and 2 is appropriate. While some of the differences between workplaces with and without Indigenous workers are generated by variations in sector of employment and workplace size, workplaces with Indigenous employees are still qualitatively different from other workplaces.

Workplace bargaining

As described above, a system of (written) enterprise or workplace agreement evolved across both the federal and State jurisdictions by the time AWIRS 1995 was conducted. The AWIRS 1995 questionnaires devoted considerable space to investigating the incidence and content of such agreements (see Table 5). The

next few sections document how agreements vary between workplaces and examine the outcomes that have resulted from the respective agreements.

One prominent aspect of Table 5 is that workplaces with Indigenous employees seem to have been successful in securing a written workplace agreement, being about 11 percentage points more likely to have an agreement than other workplaces. This may reflect the importance of having a flexible-working environment when there are several cultures in the workplace.

Workplace agreements have the potential to be more successful in ensuring a suitable workplace environment for Indigenous workers than previous initiatives such as the movement-to-award program. The movement-to-award program was set up in 1992 to support the extension of awards to Commonwealth-funded Indigenous organisations and sectors of the community service industry. Suspicion about the effects of the extension of award coverage among some Indigenous organisations meant that the program only secured awards in a handful of cases (Smith 1994: 23). The Aboriginal and Torres Strait Islander Commission (1995) estimates that only two new awards were implemented in 1994–95 under the movement-to-award program. The relatively high incidence of agreements in workplaces with Indigenous employees appears to indicate that they may have already exceeded the achievements of the movement-to-award program. To be fair, the potential coverage of the movement-to-award program was always very limited compared to widespread availability of agreements. The relative merits of relying on workplace agreements also depend upon the content of the respective documents.

The composition of coverage of these written agreements is consistent with a relatively flexible working environment. Agreements in workplaces with Indigenous employees are more likely to cover grievance procedures, OHS, leave arrangements and provisions for training. Other workplaces are more likely to have workplace agreements which cover superannuation and pay rates. The flexibility offered by a decentralised system of workplace bargaining appears to be important in culturally diverse workplaces, such as those with Indigenous employees.

The fact that workplaces with Indigenous employees are almost 9 percentage points more likely to have a grievance procedure specified in a workplace agreement is an indication of the need to address conflict between employees and between employees and employers in such workplaces. The next section examines the content of grievance procedures in some detail to gain some insight into how workplaces deal with conflict. EEO/affirmative action policies, which can be considered a proactive method of ensuring equity in workplace and averting long-term conflict, are also examined.

Table 5. Incidence and content of written workplace agreements (per cent), 1995

	Workplaces without Indigenous employees	Workplaces with Indigenous employees	Total
Any written agreements	47.3	58.2	51.3
If has a written agreement, then it covers:			
Pay rates	87.6	85.2	85.8
Performance appraisals	45.2	47.0	45.3
Hours worked	70.5	75.4	73.0
Penalty rates	39.0	43.8	41.9
Discipline/dismissals	38.2	41.1	40.4
Work practices/organisation	66.9	69.2	67.5
Retrenchment/redeployment	37.9	43.8	39.9
OHS	40.4	42.0	40.9
Training	50.8	54.7	53.4
Leave arrangements	49.2	58.9	53.7
Child-care/family leave	34.8	38.5	36.9
Consultation/negotiation arrangements	51.4	60.7	55.4
Grievance procedures	50.6	59.2	54.3
Superannuation	27.2	18.9	23.5
Other issues	6.2	6.5	6.4

Notes: See Table 1 for number of observations in each category. A written agreement can address more than one issue.

Source: Unpublished cross-tabulations of AWIRS 1995 data.

Conflict resolution and equity in the workplace

Table 6 shows that workplaces with Indigenous employees are 13.6 percentage points more likely to have a grievance procedure than other workplaces. However, while 85.8 per cent of workplaces with Indigenous employees had grievance procedures, only 34.4 per cent had grievance procedures specified in their workplace agreements. Therefore over 50 per cent of such workplaces probably had a procedure before the workplace agreement made provision for one.

The patterns of usage of these grievance procedures confirm that there was a pre-existing need for a dispute resolution mechanism in workplaces with Indigenous employees. Such workplaces were 15.1 percentage points more likely to use a procedure, if they had one, than other workplaces.

Workplaces with Indigenous employees are also more than twice as likely to have had to use a grievance procedure for discrimination (including either racial or sexual harassment) than other workplaces. Workplaces with Indigenous employees were also substantially more likely to have used the grievance

procedure for OHS disputes. The relatively high usage of procedures for discrimination does not necessarily reflect poorly on such workplaces because it is difficult to have a case of discrimination if one works in a homogenous workplace environment. That is, culturally diverse workplaces are more likely to need to address the issue of discrimination. If workplaces without Indigenous employees were to hire Indigenous workers, then they are more likely to use a grievance procedure for racial discrimination. An alternative explanation for differences in use of grievance procedures is that there is no difference in the level of grievances, just in the willingness of people to use grievance procedures.

Table 6. Incidence and use of grievance procedures (per cent), 1995

	Workplaces without Indigenous employees	Workplaces with Indigenous employees	Total
Has a grievance procedure	72.2	85.8	77.7
If has grievance procedure, then it was used:			
in last year	67.8	82.9	74.7
for case of discrimination in last year	4.1	10.1	6.9
for OHS dispute in last year	6.7	10.3	8.2
for sexual harassment dispute in last year	5.8	13.2	9.2
for racial harassment dispute in last year	1.0	3.4	2.0

Notes: See Table 1 for number of observations in each category. A grievance procedure can be used more than once. That is, there may be several incidents across the various categories of grievance.

Source: Unpublished cross-tabulations of AWIRS 1995 data.

Table 7. Incidence and content of written policies on EEO/affirmative action (per cent), 1995

	Workplaces without Indigenous employees	Workplaces with Indigenous employees	Total
Written policy on EEO/affirmative action	69.5	83.2	74.7
If has written policy, then it addresses:			
recruitment/selection/promotion	93.6	96.2	94.9
training	65.3	71.6	68.5
monitoring workforce composition	35.9	43.6	38.9
employment target for particular groups	17.6	27.6	22.0
other issues	4.3	2.8	3.5

Notes: See Table 1 for number of observations in each category. A written policy on EEO/affirmative action can address more than one issue.

Source: Unpublished cross-tabulations of AWIRS 1995 data.

Culturally diverse work environments, such as workplaces with Indigenous employees, may also have a greater need for EEO and affirmative action programs (Table 8). Workplaces with Indigenous employees are almost 15 percentage points more likely to have a written policy on EEO/affirmative action than other places of work. While almost all such policies cover recruitment and promotion, workplaces with Indigenous employees are substantially more likely to cover training, workforce composition and employment targets than other workplaces.

Remuneration

The growth of workplace agreements, documented above, is likely to have had a significant impact on workers' remuneration. For example, the *Victorian Employee Relations Act 1992* provided for a system of enterprise agreements (either collectively or between individuals and their employers) subject to minimum requirements relating to paid annual and sick leave, an hourly rate of pay, maternity, paternity and adoption leave, long service leave and notice of termination. Unfortunately, the lack of uniformity in industrial relations reform may have increased divergence of awards and, hence, render the comparisons of award pay and conditions across workplaces somewhat problematic. However, in broad terms, it is still worth examining the relative incidence of basic award rates, over-award rates and, especially, individual contracts.

The breakdown of pay and conditions for the various occupations reflects the lesser use of individual contracts in workplaces with Indigenous employees (Table 8). The other feature of Table 8 is that Managers and Professionals are much more likely to have contracts than other workers. This greater emphasis on contracts is also reflected in the relatively low incidence of award and over-award rates among those higher up the occupational scale. The implication for the Indigenous workforce is that they are less likely to be on individual contracts than other workers in the same establishment because of their concentration in the labouring and plant/machine operator occupations. The manual occupations were, however, more likely receive over-award rates than other occupations.

Managers and Professionals in workplaces with Indigenous employees were more likely to be receiving award rates than those in other workplaces and were less likely to be receiving over-award rates of pay and conditions. There was little difference in access to award rates for other occupations between workplaces. All occupations employed in workplaces with Indigenous employees tend to have relatively low rates of access to over-award pay and conditions. It appears that wage rates in these workplaces are much more likely to be based on the standards set in the award with less emphasis on increments to salaries and conditions through either over-award rates or contracts. However, this could also be a reflection of the greater concentration of workplaces with Indigenous employees in the public sector and paid rates awards.⁸ Alternatively, some of the differences in pay and conditions may be due to differences in concentration of firms which employ Indigenous workers in the non-commercial private sector.

Table 8. Pay and conditions of majority of workers in workplace by occupation (per cent), 1995

	Most get award rates		Most get over-award rates		Most have individual contracts	
	without Indigenous employees	with Indigenous employees	without Indigenous employees	with Indigenous employees	without Indigenous employees	with Indigenous employees
Managers	13.1	19.0	9.7	5.8	29.2	24.4
Professionals	18.4	24.0	9.9	8.1	23.9	17.6
Para-professionals	26.2	29.3	13.2	8.8	16.4	12.5
Tradepersons	26.2	26.7	25.4	20.0	5.5	4.4
Clerks	31.0	33.8	27.8	18.5	7.6	5.7
Salespersons	33.3	32.0	17.6	14.4	12.8	9.9
Plant/machine operators	26.5	26.3	23.0	19.1	1.5	2.2
Labourers	40.4	38.8	17.8	10.5	2.1	2.2

Source: Unpublished cross-tabulations of AWIRS 1995 data.

Federal Award coverage

Awards can be made by the relevant State or federal industrial relations tribunal. It is possible that both types of awards cover the same workplace when there are different categories of employees doing different tasks. The effect of industrial relations legislative reform clearly depends on whether Indigenous workers are covered by a federal award. Morehead et al. (1997: 208–9) show that, overall, the extent of federal award coverage increased between 1990 and 1995, while that of State awards fell. For example, workplaces only covered by State awards fell significantly from 51 per cent to 45 per cent.

Table 9 shows the extent of Federal award coverage (defined as being either covered solely by the federal awards or both federal and State awards) in workplaces with Indigenous employees. The coverage of federal awards for workplaces with Indigenous employees is substantial lower, for all occupations, than for other workplaces. Workplaces with Indigenous employees may still be covered by State awards. The implication here is that changes embodied in the *Workplace Relations Act 1996* are less likely to affect workplaces with Indigenous employees, and hence Indigenous workers, than workplaces without Indigenous employees. For industrial relations reforms to affect the majority of Indigenous workers it will need to address both the State and federal systems.

The other observation that can be made from Table 9 is that manual occupations tend to have higher rates of coverage by federal awards than other occupations. For example, managers and clerks are less likely to have coverage than tradespersons or plant or machine operators. The exception to this observation is para-professionals who have similar levels of coverage.

Table 9. Federal award coverage by occupation (per cent), 1995

	Workplaces without Indigenous employees	Workplaces with Indigenous employees	Total
Managers	38.1	26.2	32.9
Professionals	45.2	30.2	39.1
Para-professionals	39.6	39.5	40.5
Tradepersons	50.7	40.5	47.2
Clerks	34.8	27.6	32.7
Salespersons	47.5	34.6	41.9
Plant/machine operators	55.8	40.3	49.4
Labourers	40.6	34.8	38.2

Notes: Federal award coverage entails either being covered solely by the federal awards or both federal and State awards. See Table 1 for number of observations in each category.

Source: Unpublished cross-tabulations of AWIRS 1995 data.

The recent changes to the federal legislation will only affect Indigenous workers if they fall under federal jurisdiction. Therefore, the relatively low coverage of federal awards in workplaces with Indigenous employees may limit the impact on Indigenous workers for those issues identified in Hunter (1997). For example, award simplification in the *Workplace Relations Act 1997* may well reduce the federal provisions for resolving OHS disputes, but the effect of these changes will be mitigated by relatively low coverage unless the federal changes flow through to the various State regimes. However, since 1997, the Victorian and Western Australian governments have made legislative changes so that State awards are reasonably close to those in the federal system. Even among other State (and sometimes Labor) governments there has been a broad convergence in awards with awards becoming more straightforward, and containing fewer provisions.

Recruitment methods

Recruitment is a fundamental activity for managers in which they seek to match the requirements of the organisation with the skills and abilities of individuals. The efficacy of job search methods used by Indigenous job seekers depends upon the recruitment methods favoured by employers (see Norris 1996). If an employer is not using a particular recruitment method, then, *ipso facto*, job seekers are unlikely to be successful in securing employment with that particular method.

The restructuring of government employment assistance with the introduction of market-driven employment services under the Commonwealth's new 'Job Network' has the potential to fundamentally alter the efficacy of various job search behaviours. The recruitment methods of workplaces with Indigenous employees have particularly important implications for the effect of the Job Network on Indigenous workers (Table 10). The recruitment methods are broken down into five mutually exclusive categories for ease of analysis: external

advertisements, internal advertisements only, recruitment agency or management consultant, Commonwealth Employment Service (CES) and word of mouth. The advent of the Job Network is unlikely to directly affect either external or internal advertisements or vacancies filled by word of mouth.⁹ Since the Job Network has replaced the CES and may act as a substitute for vacancies that would have been filled by recruitment agencies, we will focus on these categories. However, we will also briefly reflect on the implications of the other methods of recruitment for Indigenous employment.

The CES was predominantly used in manual occupations such as plant/machine operators and labourers. However, there were no significant differences in the use of the CES by workplaces with Indigenous employees compared to other workplaces. For example, 17.8 per cent of workplaces with Indigenous employees used the CES to recruit labourers compared to 19.1 per cent of other workplaces. The transmogrification of the CES into Employment National, combined with the radical changes to the employment services market embodied in the Job Network, are likely to affect all manual workers rather than a workers in particular workplaces.

In contrast, recruitment agencies or management consultants tend to be used by workplaces hiring managers and professionals. However, agencies and consultants are much less likely to be used in workplaces with Indigenous employees. For example, professionals in such workplaces are about half as likely to have been recruited by this method as professionals in other workplaces. In any case, given that relatively few Indigenous workers are in these occupations, it is unlikely that this method will affect Indigenous recruitment.

External advertisements are the major recruitment method for all occupations but are more likely to be used in workplaces with Indigenous employees than other workplaces. For example, 77.1 per cent of professionals hired in workplaces with Indigenous employees are recruited by this method compared to 62.8 per cent in non-Indigenous workplaces. If one believes that external advertisements are a more publicly accountable method of recruitment than the other methods of filling job vacancies, then ensuring a broad access to information about jobs may be a factor in the employment of Indigenous workers in workplaces with Indigenous employees.

At the other end of the accountability spectrum are firms that only use word of mouth and internal advertisements. The large numbers of job vacancies filled by word of mouth in occupations which have large concentrations of Indigenous workers, such as labourers (Taylor 1994), probably indicates that there are substantial impediments to Indigenous employment arising from poor access to informal job networks (Mortensen and Vishwanath 1994). While problems of access to informal networks is an issue for all low socioeconomic status workers, it is particularly pronounced in the Indigenous population where fewer family and friends are likely to be employed in mainstream employment (Daly and Hunter 1999; Hunter and Gray 1998).

Table 10. Recruitment method by occupation (per cent), 1995

	External advertise- ments	Internal advertise- ments only	Recruitment agency or management consultant	CES	Word of mouth
Workplaces without Indigenous employees					
Managers	50.7	23.5	17.4	1.3	7.1
Professionals	62.8	10.1	22.0	0.3	4.8
Para-professionals	68.1	17.5	9.5	0.8	4.1
Tradepersons	68.0	11.8	4.3	8.2	7.7
Clerks	60.0	18.5	10.6	5.8	5.1
Sales	56.5	12.3	12.7	6.3	12.3
Plant/machine operators	50.6	12.6	6.2	14.5	16.0
Labourers	48.0	9.3	3.8	19.1	19.9
Workplaces with Indigenous employees					
Managers	61.5	24.5	9.9	0.8	3.3
Professionals	77.1	9.3	11.5	0.2	1.8
Para-professionals	77.0	15.9	5.5	0.2	1.4
Tradepersons	74.9	11.7	1.4	6.9	5.0
Clerks	62.4	25.8	3.7	4.7	3.4
Sales	66.1	15.6	4.2	5.4	8.7
Plant/machine operators	59.2	16.0	2.9	12.4	9.5
Labourers	49.4	15.9	3.6	17.8	13.4

Notes: The reported figures are the percentage of AWIRS workplaces that have ever recruited the occupation in question.

Source: Unpublished cross-tabulations of AWIRS 1995 data.

Informal job networks (not the institution) have also been emphasised in recent literature in labour economics—see Montgomery (1991) and Mortensen and Vishwanath (1994). In such literature, ‘adverse selection’ and other models are used to show well connected workers experience better labour market outcomes, usually in the form of higher wages. Montgomery (1991) estimates that 50 per cent of all workers currently employed in the United States found their jobs through friends and relatives. If Montgomery’s estimates are transportable to Australia, then the informal job networks will be important in workplaces that use internal and even external advertisements.

There appears to be little difference in the use of internal advertisements between workplaces. Indeed, if anything workplaces with Indigenous employees are more likely to use internal advertisements, especially for non-managerial and non-professional occupations. Given that workplaces with Indigenous employees have substantially more basic firm-specific training and on-the-job training, it should not be surprising that managers use internal advertisements to recruit since it should be easier to ascertain the quality and reliability of applicants.

The lack of variation in the use of internal advertisements would appear to provide evidence that internal labour markets are not a feature of workplaces with Indigenous employees. The seminal articles on internal labour markets emphasised that the existence of job ladders with only limited entry ports is a key characteristics of the primary sector firms (see Doeringer and Piore 1971). That is, workplaces with internal labour markets employ people with few qualifications and little workforce experience at a base level, then promote these workers, after a suitable period has elapsed, to more senior positions. In contrast, workplaces with Indigenous employees are more likely to recruit internally at the lower end of the occupational structure. This does not prove that internal labour markets (and labour market segmentation) is not a problem in such workplaces, merely that the overall recruitment patterns are not consistent with bland generalisations about the relative incidence of these behaviours in AWIRS workplaces. Nevertheless, recruitment in workplaces with Indigenous employees has more to do with the distribution of on-the-job training than classic internal labour market behaviour described in Doeringer and Piore (1971).

There has been a fundamental shift in the nature of employment services provided on behalf of government since the latest AWIRS survey. The above analysis has important implications for the efficacy of recent reforms, especially the Job Network. Unless the Job Network can successfully tap into the job vacancies advertised by firms, either externally or internally, there is a limited scope for employment service providers to secure employment for Indigenous workers. Given the policy of cost recovery when filling vacancies through the Job Network, there is likely to be little substitution between advertised positions and those that are filled by the Network. The extent of usage of informal recruitment procedures in the manual occupations is also a particular concern for Indigenous workers since it means they are effectively excluded from an important source of employment.

Discussion

Most of the limited literature on the industrial relations arrangements in workplaces employing Indigenous Australians focuses upon characteristics of the individual rather than the firms. This paper extends the existing body of knowledge by interrogating data from a representative sample of Australian workplaces. Importantly, these data relate to a period of unprecedented change in Australia's industrial relations system. It therefore provides a benchmark for further analysis of the effect of future changes on the workplace outcomes for Indigenous people.

Separating workplaces with Indigenous employees from those without Indigenous employees revealed, for some characteristics at least, striking differences. In attempting to explain differences between workplaces, two hypotheses were formed. First, large concentrations of Indigenous employees in a workplace tend to change the characteristics of a workplace. Alternatively, the characteristics of the workplace facilitate the tendency to hire more Indigenous workers. The fact that there were only 21 workplaces where more than 10 per

cent of the workforce were identified as Indigenous by the ERM means that one can discount the former as being a relatively minor factor.

After the examination of workplace characteristics, it is concluded that, consistent with previous employee-based studies, workplaces with Indigenous employees are qualitatively different from other workplaces. Workplaces with Indigenous employees are more likely to use industrial relations practices and procedures that facilitate greater cultural diversity within the firm. For example, workplace agreements, grievance procedures, EEO/affirmative action documents and other written agreements are all more prevalent in workplaces with Indigenous employees.

Whether this results from proactive measures on the part of management, or whether they are a result of a strategic initiative to solve existing problems is not clear. Indeed, the relatively high incidence of industrial action in such workplaces may partially reflect an attempt to expand the workplace industrial relations agenda beyond the conventional domains of wages and conditions narrowly defined.

One of the more disturbing findings of this paper is that many workplaces with Indigenous employees appear to have chosen the so-called 'low-wage' strategy for cost minimisation (Ehrenberg and Smith 1996: 142). While the wage differentials between workplaces are relatively minor, the differences in capacity utilisation, overtime usage, the concentration of disadvantaged workers and even the pattern of award coverage point to a 'low-wage' strategy being followed in such workplaces.¹⁰ In part, this is probably a major reason why these firms can employ Indigenous workers who on average have an extremely low level of education or experience. The findings that workplaces with Indigenous employees are more likely to pay award wages indicates the importance to Indigenous people of ensuring award minimums remain current, and that enterprise bargains do not become the sole means of altering wages and conditions.

The alternative policy option, in the context of Indigenous employment, is to increase skill levels of the workforce to facilitate competition for high-wage jobs. However, the success of such a policy is not only contingent upon very large increases in Indigenous education but also requires a concerted industry policy and a macroeconomic policy which places considerable weight on reducing aggregate unemployment. Notwithstanding recent improvements in Indigenous education, the ongoing relative educational deficits identified in Gray, Hunter and Schwab (2000) mean that it is difficult to imagine Indigenous workers successfully competing with non-Indigenous workers for a limited supply of high-wage jobs.

Notes

1. Award restructuring had been underway since August 1988 in the federal system and subsequently in the various State jurisdictions.

2. In the federal system, the *Industrial Relations Act 1988* made provision for the Australian Industrial Relations Commission to certify agreements with outcome inconsistent with national wage principles. In practice, little use was made of such certified agreements (Morehead et al. 1997: 5).
3. It is acknowledged however, that some provisions of the *Workplace Relations Act* specifically direct the AIRC and the Employment Advocate to ensure that in the process of agreement-making, particular groups are not disadvantaged. As noted by Hawke, Robertson and Sloan (1998) in their review of the operation of the *Workplace Relations Act*, it is clear that many aspects of disadvantage remain in many of the enterprise agreements struck in the first year of the Act's operation.
4. The recent *Journal of Industrial Relations* debate highlights the potential risks and benefits of the *Workplace Relations Act 1996* for indigenous workers (see Hunter 1997).
5. Under the CDEP scheme indigenous communities receive a grant of a similar size to their collective unemployment benefit entitlement to undertake community defined 'work'. The benefit recipients are then expected to work part-time for their entitlements. Historically the CDEP scheme was available on a one-in-all-in basis for each community. The current policy that evolved gradually in the 1990s, however, allows the unemployed the choice as to whether or not they participate in the scheme, when the CDEP scheme is provided in a community (Altman and Gray 2000). Originally the CDEP scheme was available only to remote communities but in recent years its geographic dispersion has increased and there are numerous CDEP schemes in urban areas. Nonetheless, CDEP schemes are predominantly concentrated in rural and remote regions that have very poor non-CDEP employment prospects (Altman and Gray 2000). It is unlikely that there is significant displacement of non-CDEP employment with CDEP employment.
6. The main analysis is based on a sample of 1,791 workplaces for which there was reliable information for both managers and employees. Of the original 2,001 workplaces in AWIRS, there are 20 responses (workplaces) missing for workplace questions, while 210 workplaces are missing when data from the ERM and employee surveys are combined.
7. Note that Altman and Taylor (1995) also identified a disproportionate concentration of Indigenous employment in charities and churches in the 1986 Census. However, unlike the analysis above, that paper did not examine how Indigenous employment conditions in this industry sector differ from other sectors.
8. Paid rates awards are a rather prescriptive and detailed system of awards, predominantly found in the public sector.
9. If Job Network has been either more (or less) successful than the CES, then this would be expected to have an indirect effect upon the recruitment method used by the firm. That is, the Job Network can affect the relative cost of different recruitment methods.

10. Ironically, while the overall patterns of workplace characteristics are consistent with employers pursuing a 'low-wage' strategy there is very little difference between the average wage paid to most full-time employees in workplaces with or without Indigenous employees. The only substantial wage differentials were for the sales and plant/machine operator occupations whose wages were less than 10 per cent lower in workplaces with Indigenous employees. The fact that workplaces with Indigenous employees are more likely to pay award wages may indicate that they are constrained from further reducing their wages

Appendix A. Representativeness of the AWIRS sample.

This Appendix analyses the representativeness of the AWIRS sample and considers the potential biases from combining data from the ERM and the employee surveys. Table A1 describes the discrepancies in responses between the two surveys by workplace size to illustrate the processes at work. Given that recent research has indicated that the level of 'bogus' identification of non-Indigenous people as Indigenous is of a minor order (Hunter 1998b), the following assumes that the Indigenous responses to the employee survey are genuine.

As indicated above there were 101 workplaces where the manager indicated there were no Indigenous workers but at least one employee indicated they were Indigenous. The fact that the ERM is not aware of the presence of the occasional Indigenous worker should not be surprising since Indigenous identity is often not explicitly revealed in the recruitment process. In such circumstances, the ERM would be relying on the colour of a worker's skin, which may not be a reliable indicator. The relatively random nature of the process by which ERM incorrectly indicate the proportion of Indigenous employees in the workplace is revealed by the fact that there is on average about one Indigenous employee per workplace who responded to survey but was not identified in the ERM responses.

Table A1. Workplace size by presence of Indigenous employees in workplace (per cent), 1995

	Presence of Indigenous employees in workplace				Total
	Manager - no, Employee Survey - no	Manager - no, Employee Survey - yes	Manager - yes, Employee Survey - no	Manager - yes, Employee Survey - yes	
Workplace size					
20-49	46.6	30.7	18.8	20.6	36.1
50-99	25.0	28.7	17.6	22.5	22.9
100-199	15.3	25.7	21.1	22.5	18.0
200-499	9.8	11.9	21.1	18.6	13.7
500+	3.3	3.0	21.5	15.7	9.3
Total (per cent)	100	100	100	100	100
Total (number)	1,066	101	522	102	1,791

Note: The manager who indicates the proportion of Indigenous employees in workplace is the Employee Relations Manager (ERM).

In contrast, for 522 workplaces the ERM said 'yes' to the Indigenous question but there were no Indigenous responses to the employee survey. This is

not that concerning given the manner in which the employee survey was collected. Since survey forms were distributed at the discretion of management, and given the probable small numbers of Indigenous workers in such workplaces, it is not surprising that non-Indigenous responses totally 'crowd out' any potential Indigenous respondents. It would be more surprising if there was a complete enumeration of employees in these workplaces. The relatively small numbers of Indigenous workers in such workplaces is emphasised by the fact that over one-fifth of these workplaces were very large, having more than 500 employees.

Therefore, the ERM was more likely to correctly identify the presence of Indigenous workers in relatively large workplaces. This is consistent with Indigenous workers being more likely to complete the employee survey form in larger workplaces and a more systematic collection of employee records in such workplaces. The requirements of the relevant EEO legislation provide an incentive for many public sector and government business enterprises to systematically collect information about the Indigenous, NESB and female components of their workforce.

In summary, the patterns in Table A1 are consistent with probable data generation processes at work. Hunter and Hawke (2000) further explore the representativeness of the AWIRS employee survey by comparing industry data against census benchmarks for Indigenous and non-Indigenous sub-samples. They conclude that overall response rates among Indigenous and other employees in workplaces that employ Indigenous workers is largely random and, therefore, it is possible to directly compare responses to the employee survey in such workplaces.

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